

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
MAY 26, 2022
12:00 p.m.**

Meeting Called to Order

Mayor Saxton called the May 26, 2022, Town Council Regular Meeting to order at 12:00 p.m.

Attendance and Absences

In attendance were Mayor Tim Saxton and Councilmembers Derek Abbott, Sue Callaway, Edie Dondero, Dick Oliver, Tim Shaw; and Town Manager Maureen Hartman, Administrative Specialist Janet Powell, Code Enforcement Officer Joe Hinks; Chief Jason Lovins, and Town Solicitor Stephani Ballard. Councilmember Randall Bartholomew attended remotely. Public attendees: 2, remote attendees: 6

Public Comment

No Public Comment.

Council discussion and possible action on Rosenfeld's request for variance regarding definition of a restaurant under Chapter 56, Commercial Establishments

Eric Sugrue, Managing Member of Big Fish Market and Rosenfeld's Bethany LLC has applied for a liquor license with the State of Delaware, but was informed he needed approval from the Town, and is requesting a waiver of Town Code Chapter 56 Commercial Establishments, Definitions Restaurant §56-3 (B) A minimum of 85% of the patron area, exclusive of restrooms, must be permanently committed to seated dining. Council decided to amend Chapter 56 §56-3(B) with a First Reading at the June 13, 2022 Town Council meeting. Town Solicitor Stephani Ballard suggested the Town issue a temporary waiver in the interim. Motion by Councilman Abbott, second by Councilman Shaw to provide a temporary waiver of Town Code Chapter 56 §56-3 (B) until August 31, 2022. Motion carried 7-0.

Discussion of possible Code Changes regarding civil versus criminal penalties

Town Solicitor Stephani Ballard reviewed various Town codes that are listed as a criminal penalty and should be changed to civil penalty to assist Chief Lovins and Code Enforcement Officer Joe Hinks enforcement of the code(s). Town Solicitor Ballard will write an ordinance and provide to Council.

Discussion and possible action on the consideration of temporary beach regulations for the summer of 2022

Councilwoman Dondero noted due to the nor'easter storm that has resulted in less beach area, she is suggesting temporary beach regulations such as limiting the size of beach canopies, daily removal of personal beach items, and placing signs on the beach noting the temporary regulations. Upon discussion, Council noted the lifeguards do have the authority to tell a beachgoer to move a canopy if their view is obstructed. Town Solicitor Ballard indicated that our Town Code does not address beach conduct, and therefore, is unenforceable.

First Reading of Ordinance 206-22 setting a stipend for Town Council

Since there were substantive changes from the first reading conducted at the May 13, 2022 Town Council meeting, another first reading had to be conducted. Mayor Saxton noted changes in

Section 2, adding: two (2) installments at the beginning of the June 1st of each year, and Section 3(b) Each Council member will be issued an annual W2 at the beginning of each calendar year, adding: for the previous year. Mayor Saxton declared the First reading of Ordinance 206-22

Discussion and possible action to accept a donation from property owner for the repair of a Town bulkhead on Brandywine

Mr. Rich Juliano, 162 Brandywine Drive, is replacing his bulkhead and offered to replace the Town end bulkhead which adjoins his corner canal lot property as a donation to the Town. Town Manager Hartman noted that Mr. Juliano stated that Sussex Marine will provide the Town a separate contract for signature, and the Town will provide a donation letter to Mr. Juliano regarding the contribution. It was noted that the canal end bulkhead will remain Town property. Motion by Councilman Abbott, second by Councilwoman Dondero to accept a donation from Mr. Juliano. Motion carried 7-0.

Discussion and possible action on FY22/FY23 budget amendments

Councilman Bartholomew noted the FY22 budget amendment to update the MSA budget and the final cost for the beach crossover ramps; and an addendum to update the FY23 budget utilizing the Sussex County Transfer Tax, Homeland Security grants, and ARPA funding before utilizing the Town reserve account. Motion by Councilman Oliver, second by Councilman Abbott to approve the FY22 budget amendment and the FY23 Capital budget amendment. Motion carried 7-0.

Discussion and possible action to accept the canal maintenance agreement recommended by the Canal Water Quality Committee

Councilman Abbott stated the Canal Water Quality Committee reviewed four companies: Coastal Tributaries, Envirotech Environmental Consulting, Princeton Hydro and Solitude Lake Management and recommended Envirotech with an annual \$12,626.00 base to inspect and monitor the canal system during five months, receive reports on the water quality samplings, anticipate challenges and make recommendations; with additional costs to cut and remove growth, dispose, and replace floating wetlands plants. The CWQC is also requesting an additional \$15,000.00 contingency for costs not included in the contract. Motion by Councilman Abbott, second by Councilman Oliver to approve Envirotech with an additional \$15,000.00 designated for contingency, if necessary. Motion 7-0.

Adjournment

Motion by Councilman Abbott, seconded by Councilman Shaw to adjourn the May 26, 2022 Town Council Workshop meeting at 1:44 p.m. Motion carried 7-0.

Respectfully submitted,

Council Secretary

Administrative Specialist

Date of Approval